



## CITY OF MORGAN HILL

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17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

### CITY COUNCIL AGENDA

### REGULAR MEETING

WEDNESDAY, OCTOBER 21, 1998

Morgan Hill Civic Center  
Council Chambers  
17555 Peak Avenue  
Morgan Hill, California 95037

Mayor  
Mayor Pro Tempore  
Council Member  
Council Member  
Council Member

Dennis Kennedy  
Cynthia J. Cook  
Hedy L. Chang  
J. Robert Foster  
Bev E. Freeman

**7:00 P.M.**

**CALL TO ORDER**

( Mayor Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**

Per Government Code 54954.2

(City Clerk Torrez)

**SILENT INVOCATION**

**PUBLIC SERVICE ANNOUNCEMENT**

Eric Hilding

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

Jessica Adona

*Doughboy Giggle-off Contest Winner*

**PRESENTATIONS**

Larry Carr

MHUSD

School Bond Measure

**CITY COUNCIL REPORT**

Council Member Cook

**CITY MANAGER'S REPORT**

**CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

**PUBLIC COMMENTS**

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.**

**CONSENT CALENDAR:** The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH MORGAN MEADOWS ASSOCIATES LLC APN 817-19-025 (LANDS OF O'CONNELL)**  
**Recommended Action:** **Approve** the attached Subdivision Improvement Agreement and authorize the City manager to sign the agreement on behalf of the City with Morgan Meadows Associates LLC (APN 817-19-025).
2. **APPROVE CHANGE ORDER NO. 1 FOR DRILLING A TEST WELL AT NORDSTROM PARK IN CONJUNCTION WITH THE DIANA WELL III PROJECT**  
**Recommended Action:** **Approve** Change Order No. 1 in the amount of \$33,000 (including a 10% contingency) for drilling a test well at Nordstrom Park in conjunction with the Diana Well III Project
3. **AWARD OF CONTRACT TO PROVIDE PUBLIC WORKS INSPECTION SERVICES ON AN AS-NEEDED BASIS**  
**Recommended Action:** 1) **Approve** the attached contract with Harris & Associates to provide contract inspection services on an as-needed at a not-to-exceed fee of \$32,000 and 2) **Authorize** the City Manager to execute the contracts.
4. **SUBDIVISION APPLICATION SD 98-13: MALAGUERRA-ANSUINI**  
**Recommended Action:** 1) **Take no action** on the subdivision application, thereby concurring with the Planning Commission's decision regarding approval of the subdivision map and 2) **Approval** of an exception to City street standard for Silverwings Court.
5. **BI-ANNUAL VACANCY RATE SURVEY**  
**Recommended Action:** **Establish** the bi-annual vacancy rate at 1.02% as recommended by the Planning Commission.
6. **REQUEST TO APPROVE THE USE OF FINANCING THROUGH THE COUNTY OF SANTA CLARA'S MULTIFAMILY RENTAL HOUSING PROGRAM FOR THE VILLAGE AVANTE PROJECT**  
**Recommended Action:** **Approve** the Village Avante Project pursuant to Section 4 of the Cooperative Agreement between the County of Santa Clara and the City of Morgan Hill dated April 18, 1984.
7. **YEAR 2000 COMPLIANCE PROJECT STATUS REPORT**  
**Recommended Action:** **Accept and file** report.

8. **AUTHORIZE THE CITY MANAGER TO SIGN CONTRACTS WITH LIFEGUARD, INC. AND KAISER FOUNDATION HEALTH PLAN FOR EMPLOYEE HEALTH INSURANCE BENEFITS**  
**Recommended Action:** **Authorize** the City Manager to sign contracts with Lifeguard, Inc. and Kaiser Foundation Health Plan.
9. **APPROVAL OF REGULAR MEETING MINUTES OF SEPTEMBER 16, 1998**
10. **APPROVAL OF SPECIAL CLOSED SESSION MEETING MINUTES OF SEPTEMBER 23, 1998**
11. **APPROVAL OF SPECIAL MEETING MINUTES OF SEPTEMBER 30, 1998**
12. **APPROVAL OF SPECIAL/REGULAR MEETING MINUTES OF OCTOBER 7, 1998**

**LEGALLY NOTICED PUBLIC HEARINGS:**

13. **DEVELOPMENT AGREEMENT APPLICATION DA-98-08 AND ZONING AMENDMENT APPLICATION ZA-98-12: MALAGUERRA-ANSUINI**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action - Motion to approve Mitigated Negative Declaration.  
Action - Motion to waive the reading in full of the development Agreement (DA) ordinance;  
Motion to introduce DA ordinance by title only.  
Action - Motion to table zoning amendment application.
14. **ZONING AMENDMENT & ANNEXATION APPLICATION ZA-98-13/ANX 98-03: HALF RD.-HANN (APN 728-30-03 & 04)**  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action - Motion to approve Negative Declaration.  
Action - Motion to deny by minute action  
*OR*  
Action - Motion to remand the application to the Planning Commission for consideration of PUD zoning of the property.

**OTHER BUSINESS:**

15. **MEASURE G: SCHOOL FACILITIES NEEDS**  
**Recommended Action:** **Adoption** of resolution in support of Measure G on the November 3, 1998 General Election ballot.
16. **SITE REVIEW APPLICATION SR 98-19: CONDIT-ROYAL INN**  
**Recommended Action:** **Review and give** comments, concerns and direction to applicant and staff.
17. **APPROVE NORDSTROM PARK MASTER PLAN**  
**Recommended Action:** **Approve** attached Master Plan for Nordstrom Park, subject to Planning Commission approval of a conditional use permit.

18. **OPPOSITION TO MANDATORY SOCIAL SECURITY COVERAGE FOR NEWLY HIRED PUBLIC EMPLOYEES**

**Recommended Action:** 1) **Receive** report and 2) **Authorize** the Mayor to sign the attached Letter of Opposition to be sent to President Clinton, Senator Boxer, Senator Feinstein, House Speaker Gingrich, Congresswoman Lofgren, City of Morgan Hill Employee Association Presidents, and other appropriate parties.

19. **SIGN ORDINANCE ENFORCEMENT**

**Recommended Action:** **Receive** report.

20. **REQUEST FROM COUNCIL MEMBER FREEMAN TO DISCUSS THE SISTER CITY PROJECT**

**Recommended Action:** **Information only;** staff recommends that the Council take no action at this time.

21. **REQUEST TO DEVELOP AN ORDINANCE OUTLINING THE DUTIES AND RESPONSIBILITIES OF THE CITY ATTORNEY - MAYOR KENNEDY**

**Recommended Action:** **Direct** the City Attorney to prepare a draft of an ordinance outlining the duties and responsibilities of the City Attorney and reviewing same with the City Manager and then the Legal Affairs Subcommittee before presenting same to the City Council for consideration.

**ROLL CALL VOTE:**

The Roll Call Vote, Agenda Items # through # may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

**Action --** **Adopt** Ordinance by roll call vote.

22. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1413 and 1414 NEW SERIES**

**ORDINANCE NO. 1413 N.S.** -- An ordinance of the City Council of the City of Morgan Hill approving Zoning Amendment, ZA-98-09: Barrett-Hogg, amending the zoning of approximately a .32 acre site from R-2-3,500 to R-2-3,500/RPD to include the adoption of a precise development plan. (APN 817-57-002) and,

**ORDINANCE NO. 1414 N.S.** -- An ordinance of the City Council of the City of Morgan Hill approving development agreement application, DA-98-07: Barrett-Hogg for application MP-98-02: Barrett-Hogg (APN 817-57-002).

**OPPORTUNITY FOR PUBLIC TO COMMENT**

**CLOSED SESSION:**

**PUBLIC EMPLOYMENT**

Legal Authority: Government Code Section 54957

Title of Position: City Attorney

Staff Present: David Jinkens, Helene L. Leichter, LeeAnn Kazezski

**CLOSED SESSIONS ANNOUNCEMENT:**

**ADJOURNMENT:**

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

**FUTURE COUNCIL AGENDA ITEMS:**

1. Cable TV Franchise Agreement
2. City Attorney Employment Agreement
3. Animal Control Ordinance Revisions
4. Zoning Text Amendments

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #13 and #14 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.